

Executive Summary – Enforcement Matter – Case No. 31301

FATIMA FAMILY VILLAGE, INC.

RN101236685

Docket No. 2012-2122-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Indifference to legal duty based on violation of a previous order.

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Fatima Family Village Mobile Home Park, 1003 Gulf Bank Road, Harris County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 25, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$957

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$957

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 31301
FATIMA FAMILY VILLAGE, INC.
RN101236685
Docket No. 2012-2122-PWS-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 15, 2012 and August 29, 2012

Date(s) of NOE(s): July 5, 2012 and October 9, 2012

Violation Information

1. Failed to calibrate the Facility's well meter at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].
2. Failed to enclose the well with an intruder-resistant fence with a lockable gate or a locked and ventilated well house [30 TEX. ADMIN. CODE § 290.41(c)(3)(O)].
3. Failed to submit well completion data for review and approval prior to placing a public drinking water well into service [30 TEX. ADMIN. CODE § 290.41(c)(3)(A)].
4. Failed to provide one of the options of sufficient power to meet capacity requirements and in accordance with the affected utility's EPP [30 TEX. ADMIN. CODE § 290.45(h)(1)(D)].
5. Failed to obtain a sanitary control easement that covers the land within 150 feet of Well No. G1010746B [30 TEX. ADMIN. CODE § 290.41(c)(1)(F) and TCEQ Agreed Order Docket No. 2006-1777-PWS-E, Ordering Provision No. 2.a.i].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require Respondent to:

a. Within 30 days:

i. Submit a request for an exception pursuant to 30 TEX. ADMIN. CODE § 290.39, to the rule requiring a sanitary control easement that covers the land within 150 feet of the well.

ii. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the exception request within 30 days after the date of such requests, or by any other deadline specified in writing.

b. Within 60 days:

Executive Summary – Enforcement Matter – Case No. 31301
FATIMA FAMILY VILLAGE, INC.
RN101236685
Docket No. 2012-2122-PWS-E

- i. Submit written certification demonstrating compliance with a.;
 - ii. Calibrate the well meter; and
 - iii. Enclose the well within an intruder-resistance fence with a lockable gate or a lockable and ventilated well house.
- c. Within 90 days:
- i. Submit written certification demonstrating compliance b.ii. and b.iii.; and
 - ii. Provide a quick-connect system which allows a portable generator capable of serving multiple facilities to be used at the Facility.
- d. Within 105 days, submit written certification demonstrating compliance with c.ii.
- e. Within 120 days, obtain an exception to the sanitary control easement requirement or obtain a sanitary control easement that covers the land within 150 feet of the well.
- f. Within 180 days:
- i. Submit written certification demonstrating compliance with e.; and
 - ii. Submit well completion data for review and approval.
- g. Within 195 days, submit written certification demonstrating compliance with f.ii.
- h. Within 365 days, obtain written approval of well completion data for the Facility.
- i. Within 380 days, submit written certification demonstrating compliance with h.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

**Executive Summary – Enforcement Matter – Case No. 31301
FATIMA FAMILY VILLAGE, INC.
RN101236685
Docket No. 2012-2122-PWS-E**

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Epifanio Villarreal, Enforcement Division,
Enforcement Team 2, MC R-14, (361) 825-3425; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Thanh Thi Doan, Director, FATIMA FAMILY VILLAGE, INC., 1003 Gulf
Bank Road, Trailer No. 22, Houston, Texas 77037

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	15-Oct-2012	Screening	18-Oct-2012	EPA Due	
	PCW	18-Oct-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	FATIMA FAMILY VILLAGE, INC.		
Reg. Ent. Ref. No.	RN101236685		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	31301	No. of Violations	5
Docket No.	2012-2122-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Michaelle Sherlock
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 **\$800**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **15.0%** Enhancement **Subtotals 2, 3, & 7** **\$120**

Notes: Enhancement for one NOV with same/similar violations and one agreed order with denial. Reduction for high performer classification.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts **\$1,101**
Approx. Cost of Compliance **\$8,551**
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal **\$920**

OTHER FACTORS AS JUSTICE MAY REQUIRE

4.0%

Adjustment **\$37**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost of compliance associated with Violation No. 1.

Final Penalty Amount **\$957**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$957**

DEFERRAL

0.0%

Reduction **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY

\$957

Screening Date 18-Oct-2012

Docket No. 2012-2122-PWS-E

PCW

Respondent FATIMA FAMILY VILLAGE, INC.

Policy Revision 2 (September 2002)

Case ID No. 31301

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101236685

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 25%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance
History
NotesEnhancement for one NOV with same/similar violations and one agreed order with denial.
Reduction for high performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 15%

Screening Date 18-Oct-2012

Docket No. 2012-2122-PWS-E

PCW

Respondent FATIMA FAMILY VILLAGE, INC.

Policy Revision 2 (September 2002)

Case ID No. 31301

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101236685

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.46(s)(1)

Violation Description

Failed to calibrate the Facility's well meter at least once every three years. Specifically, the flow meter for Well No. G1010746B had not been calibrated in the previous three years.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to have the well meter properly calibrated could result in inaccurate water usage and production data, which could impact the treatment process. This could expose customers of the Facility to an insignificant amount of contaminants that would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

156 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$37

Violation Final Penalty Total \$60

This violation Final Assessed Penalty (adjusted for limits) \$60

Economic Benefit Worksheet

Respondent **FATIMA FAMILY VILLAGE, INC.**
 Case ID No. **31301**
 Reg. Ent. Reference No. **RN101236685**
 Media **Public Water Supply**
 Violation No. **1**

Percent Interest **5.0** Years of Depreciation **15**

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
 Item Description No commas or \$

Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0	
Personnel			0.00	\$0	\$0	\$0	
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0	
Supplies/equipment			0.00	\$0	\$0	\$0	
Financial Assurance [2]			0.00	\$0	\$0	\$0	
ONE-TIME avoided costs [3]	\$31	23-Jun-2008	23-Jun-2011	3.92	\$6	\$31	\$37
Other (as needed)			0.00	\$0	\$0	\$0	

Notes for AVOIDED costs

The avoided cost includes the estimated amount to properly calibrate the well meter (\$31 x 1 meter), calculated for the three years prior to the investigation date when the violation was first documented.

Approx. Cost of Compliance **\$31**

TOTAL **\$37**

Screening Date 18-Oct-2012

Docket No. 2012-2122-PWS-E

PCW

Respondent FATIMA FAMILY VILLAGE, INC.

Policy Revision 2 (September 2002)

Case ID No. 31301

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101236685

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(O)

Violation Description

Failed to enclose the well with an intruder-resistant fence with a lockable gate or a locked and ventilated well house. Specifically, Well No. G1010746B was located in a public area of the trailer park and was not protected by a fence or well house.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide an intruder-resistant fence or a lockable well house may not protect the well from vandalism which may expose customers of the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

156 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty \$100

One semiannual event is recommended, calculated from the date of the record review, May 15, 2012, to the date of screening, October 18, 2012.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$226

Violation Final Penalty Total \$120

This violation Final Assessed Penalty (adjusted for limits) \$120

Economic Benefit Worksheet

Respondent **FATIMA FAMILY VILLAGE, INC.**
 Case ID No. **31301**
 Reg. Ent. Reference No. **RN101236685**
 Media **Public Water Supply**
 Violation No. **2**

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	----------------	-----------

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$2,000	23-Jun-2011	1-Feb-2013	1.61	\$11	\$215	\$226
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount necessary to provide a lockable wellhouse or an intruder resistant fence around the well, calculated from the date of the investigation when the violation was first documented to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$226

Screening Date 18-Oct-2012

Docket No. 2012-2122-PWS-E

PCW

Respondent FATIMA FAMILY VILLAGE, INC.

Policy Revision 2 (September 2002)

Case ID No. 31301

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101236685

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(A)

Violation Description

Failed to submit well completion data for review and approval prior to placing a public drinking water well into service.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

156 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$213

Violation Final Penalty Total \$120

This violation Final Assessed Penalty (adjusted for limits) \$120

Economic Benefit Worksheet

Respondent FATIMA FAMILY VILLAGE, INC.

Case ID No. 31301

Reg. Ent. Reference No. RN101236685

Media Public Water Supply

Violation No. 3

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,500	23-Jun-2011	1-Jul-2013	2.02	\$10	\$202	\$213
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to compile well completion data and submit it to the Executive Director for approval, calculated from the date of the investigation when the violation was first documented to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$213

Screening Date 18-Oct-2012

Docket No. 2012-2122-PWS-E

PCW

Respondent FATIMA FAMILY VILLAGE, INC.

Policy Revision 2 (September 2002)

Case ID No. 31301

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101236685

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.45(h)(1)(D)

Violation Description

Failed to provide one of the options of sufficient power to meet capacity requirements and in accordance with the affected utility's emergency preparedness plan ("EPP"). Specifically, the Facility's approved EPP indicates the use of portable generators capable of serving multiple facilities equipped with quick-connect systems, however no quick-connect system on the electrical panel for the well was observed.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide emergency power could cause water outages and expose customers of the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2

156 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$500

Two quarterly events are recommended, calculated from the date of the record review, May 15, 2012, to the date of screening, October 18, 2012.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$621

Violation Final Penalty Total \$598

This violation Final Assessed Penalty (adjusted for limits) \$598

Economic Benefit Worksheet

Respondent FATIMA FAMILY VILLAGE, INC.

Case ID No. 31301

Reg. Ent. Reference No. RN101236685

Media Public Water Supply

Violation No. 4

Percent Interest 5.0 **Years of Depreciation** 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction	\$5,000	23-Jun-2011	1-Apr-2013	1.78	\$30	\$592
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to install a quick-connect system, calculated from the date of the investigation when the violation was first documented to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$621

Screening Date 18-Oct-2012
Respondent FATIMA FAMILY VILLAGE, INC.
Case ID No. 31301

Docket No. 2012-2122-PWS-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101236685

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(1)(F) and TCEQ Agreed Order Docket No. 2006-1777-PWS-E, Ordering Provision No. 2.a.i.

Violation Description

Failed to obtain a sanitary control easement that covers the land within 150 feet of Well No. G1010746B.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to have a sanitary control easement in place could allow activities to occur next to the well which could allow contamination of the well, exposing customers of the Facility to insignificant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

1177 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$60

This violation Final Assessed Penalty (adjusted for limits) \$60

Economic Benefit Worksheet

Respondent FATIMA FAMILY VILLAGE, INC.

Case ID No. 31301

Reg. Ent. Reference No. RN101236685

Media Public Water Supply

Violation No. 5

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)	\$20	3-May-2009	1-Feb-2013	3.75	\$4	\$4

Notes for DELAYED costs

The delayed cost includes the estimated amount to record a sanitary control easement (\$20), calculated from the effective date of TCEQ Agreed Order Docket 2006-1777-PWS-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20

TOTAL

\$4



TCEQ Compliance History Report

PENDING Compliance History Report for CN600748297, RN101236685, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600748297, FATIMA FAMILY VILLAGE, INC. **Classification:** HIGH

Rating: 0.00

Regulated Entity: RN101236685, FATIMA FAMILY VILLAGE MHP **Classification:** HIGH

Rating: 0.00

Complexity Points: 5

Repeat Violator: NO

CH Group: 08 - Sewage Treatment Facilities

Location: 1003 GULF BANK RD, HARRIS COUNTY, TX

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION

WASTEWATER EPA ID TX0095656

1010746

WASTEWATER PERMIT WQ0013767001

Compliance History Period: September 01, 2007 to August 31, 2012

Rating Year: 2012

Rating Date: 09/01/2012

Date Compliance History Report Prepared: October 18, 2012

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 18, 2007 to October 18, 2012

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Michaelle Sherlock

Phone: (210) 403-4076

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 05/03/2009 ADMINORDER 2006-1777-PWS-E (1660 Order)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failure to obtain a sanitary control easement or exception to the easement requirement that covers the land within 150 feet of the well.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B)

Description: Failure to provide a well casing that extends a minimum of 18 inches above the elevation of the finished floor of the pump room or natural ground surface.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failure to maintain all distribution system lines and related appurtenances in a watertight condition. Specifically, there was a leaking valve at the well site on the date of the investigation.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(E)(i)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a well capacity of 1.0 gallon per minute per connection. Specifically, with 37

connections, the water system should provide a minimum well capacity of 37 gallons per minute; however the well capacity is currently only 20 gpm, which is approximately 46% deficient.

Classification: Moderate

Citation: 2A TWC Chapter 5, SubChapter A 5.702

30 TAC Chapter 21 21.4

30 TAC Chapter 290, SubChapter D 290.51

Description: Failure to pay all outstanding fees, including all interest and penalties, to the Commission in a timely manner. Specifically, the Public Health Service fees for Fiscal Years 2003 - 2006 and Consolidated Water Quality fees for Fiscal Years 2004 - 2006 are outstanding.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	November 26, 2007	(626862)	Item 21	March 17, 2011	(917680)
Item 2	March 26, 2009	(754786)	Item 22	April 20, 2011	(929005)
Item 3	June 29, 2009	(816039)	Item 23	May 16, 2011	(939382)
Item 4	July 22, 2009	(816040)	Item 24	June 22, 2011	(946794)
Item 5	August 28, 2009	(816041)	Item 25	July 18, 2011	(954055)
Item 6	September 23, 2009	(816042)	Item 26	August 23, 2011	(960642)
Item 7	October 21, 2009	(816043)	Item 27	September 21, 2011	(966712)
Item 8	November 23, 2009	(816044)	Item 28	October 13, 2011	(972711)
Item 9	December 28, 2009	(816045)	Item 29	November 14, 2011	(978852)
Item 10	January 21, 2010	(816046)	Item 30	December 14, 2011	(985690)
Item 11	April 30, 2010	(816038)	Item 31	January 13, 2012	(992019)
Item 12	May 03, 2010	(834824)	Item 32	February 14, 2012	(999353)
Item 13	May 24, 2010	(834825)	Item 33	March 20, 2012	(1004870)
Item 14	May 31, 2010	(861890)	Item 34	April 17, 2012	(1011440)
Item 15	August 18, 2010	(868392)	Item 35	May 10, 2012	(1017795)
Item 16	September 24, 2010	(875314)	Item 36	June 11, 2012	(1025580)
Item 17	October 18, 2010	(882879)	Item 37	July 12, 2012	(1032916)
Item 18	November 18, 2010	(889271)	Item 38	August 20, 2012	(1039422)
Item 19	December 23, 2010	(897659)			
Item 20	March 07, 2011	(917679)			

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	11/18/2011	(965095)	CN600748297
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
	Description:	Failure to properly maintain the regulated entity.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(1)		
	Description:	Failure to calibrate the well meter at least once every three years.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)		
	Description:	Failure to conduct an interior inspection of the pressure tank once every five years.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(4)		
	Description:	Failure to maintain all related appurtenances in a watertight condition.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)		
	Description:	Failure to make available sanitary control easements for well #2 at the time of inspection.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)		
	Description:	Failure to protect the well unit with an intruder resistant fence with locked gates,		

or a locked, ventilated well house to exclude possible contamination or damage to the facilities by trespassers.

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)		
Description:	Failure to submit well completion data on Well Number 2.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(h)(1)(D)		
Description:	Failure to meet the requirements of the affected utilities' Emergency Preparedness Plan (EPP) by providing the option selected in the EPP.		

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
FATIMA FAMILY VILLAGE, INC.
RN101236685**

§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2012-2122-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding FATIMA FAMILY VILLAGE, INC. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply at 1003 Gulf Bank Road in Harris County, Texas (the "Facility") that has approximately 37 service connections and serves at least 25 people per day for at least 60 days per year.

2. During an investigation conducted on June 23, 2011 and a record review conducted on May 15, 2012, TCEQ staff documented that the flow meter for Well No. G1010746B had not been calibrated in the previous three years.
3. During an investigation conducted on June 23, 2011 and a record review conducted on May 15, 2012, TCEQ staff documented that Well No. G1010746B was located in a public area of the trailer park and was not protected by a fence or well house.
4. During an investigation conducted on June 23, 2011 and a record review conducted on May 15, 2012, TCEQ staff documented that the Respondent did not submit well completion data for review and approval prior to placing a public drinking water well into service.
5. During an investigation conducted on June 23, 2011 and a record review conducted on May 15, 2012, TCEQ staff documented that the Facility's approved emergency preparedness plan ("EPP") indicates the use of portable generators capable of serving multiple facilities equipped with quick-connect systems, however no quick-connect system on the electrical panel for the well was observed.
6. During record reviews conducted on May 15, 2012 and August 29, 2012, TCEQ staff documented that the Respondent did not obtain a sanitary control easement that covers the land within 150 feet of Well No. G1010746B.
7. The Respondent received notices of the violations on July 6, 2012 and October 15, 2012.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to calibrate the Facility's well meter at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to enclose the well with an intruder-resistant fence with a lockable gate or a locked and ventilated well house, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to submit well completion data for review and approval prior to placing a public drinking water well into service, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(A).
5. As evidenced by Findings of Fact No. 5, the Respondent failed to provide one of the options of sufficient power to meet capacity requirements and in accordance with the affected utility's EPP, in violation of 30 TEX. ADMIN. CODE § 290.45(h)(1)(D).

6. As evidenced by Findings of Fact No. 6, the Respondent failed to obtain a sanitary control easement that covers the land within 150 feet of Well No. G1010746B, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F) and TCEQ Agreed Order Docket No. 2006-1777-PWS-E, Ordering Provision No. 2.a.i.
7. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of Nine Hundred Fifty-Seven Dollars (\$957) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Nine Hundred Fifty-Seven Dollar (\$957) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Nine Hundred Fifty-Seven Dollars (\$957) as set forth in Section II, Paragraph 8 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: FATIMA FAMILY VILLAGE, INC., Docket No. 2012-2122-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Submit a request for an exception pursuant to 30 TEX. ADMIN. CODE § 290.39, to the rule requiring a sanitary control easement that

covers the land within 150 feet of the well, to achieve compliance with 30 TEX. ADMIN. CODE § 290.41. All exception requests shall be submitted to:

Technical Review and Oversight Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- ii. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the exception request within 30 days after the date of such requests, or by any other deadline specified in writing.
- b. Within 60 days after the effective date of this Agreed Order:
 - i. Submit written certification as described in Ordering Provision No. 2.i., below, to demonstrate compliance with Ordering Provision No. 2.a.;
 - ii. Calibrate the well meter, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - iii. Enclose the well within an intruder-resistance fence with a lockable gate or a lockable and ventilated well house, in accordance with 30 TEX. ADMIN. CODE § 290.41.
- c. Within 90 days after the effective date of this Agreed Order:
 - i. Submit written certification as described in Ordering Provision No. 2.i., below, to demonstrate compliance with Ordering Provision No. 2.b.ii. and 2.b.iii; and
 - ii. Provide a quick-connect system which allows a portable generator capable of serving multiple facilities to be used at the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- d. Within 105 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.i., below, to demonstrate compliance with Ordering Provision No. 2.c.ii.
- e. Within 120 days after the effective date of this Agreed Order, obtain an exception to the sanitary control easement requirement or obtain a sanitary control easement that covers the land within 150 feet of the well, in accordance with 30 TEX. ADMIN. CODE § 290.41.
- f. Within 180 days after the effective date of this Agreed Order:

- i. Submit written certification as described in Ordering Provision No. 2.i., below, to demonstrate compliance with Ordering Provision No. 2.e.; and
- ii. Submit well completion data for review and approval, in accordance with 30 TEX. ADMIN. CODE § 290.41. The well completion data shall be submitted to :

Technical Review and Oversight Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas, 78711-3087

- g. Within 195 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.i., below, to demonstrate compliance with Ordering Provision No. 2.f.ii.
- h. Within 365 days after the effective date of this Agreed Order, obtain written approval of well completion data for the Facility.
- i. Within 380 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.h. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any

other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam J. Davis
For the Executive Director

2/6/13

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of FATIMA FAMILY VILLAGE, INC. I am authorized to agree to the attached Agreed Order on behalf of FATIMA FAMILY VILLAGE, INC., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, FATIMA FAMILY VILLAGE, INC. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Thanh T Doan
Signature

12/16/12
Date

THANH THI DOAN
Name (Printed or typed)
Authorized Representative of
FATIMA FAMILY VILLAGE, INC.

MANAGER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.